

STATE OF NEW YORK  
COUNTY OF BROOME

**ORIGINAL**

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In the Matter of a hearing  
  
held pursuant to  
  
Education Law Section 3214 (3)(c)  
  
for VINCENT "S"

a student of the  
  
Vestal Central School District  
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A hearing held at 201 Main Street, Vestal,  
New York, Vestal Central School District  
administrative offices, on the 31st day of January  
2017, commencing at 9:00 a.m.

BEFORE: MICHAEL SHERWOOD  
Hearing Officer

REPORTED BY: CARLEEN J. TAYLOR  
Court Reporter

A P P E A R A N C E S:

Counsel for the School District: HOGAN, SARZYNSKI, LYNCH,  
DEWIND & GREGORY  
520 Columbia Drive  
Johnson City, NY 13790  
BY: WENDY K. DEWIND, ESQ.

For the student: ROBERT "S" - Father  
BRITTANY "S" - Sister

CARLEEN J. TAYLOR  
3408 Brentwood Place  
Vestal, New York 13850  
(607) 729-6660

-COLLOQUY-

1 with their case.

2 HEARING OFFICER: Sounds like  
3 that.

4 MS. DEWIND: Yes, I would.

5 HEARING OFFICER: You are still  
6 under oath, Ms. Caddick.

7 EXAMINATION BY MS. DEWIND:

8 Q. I am going to show you what I had marked as  
9 district exhibit ten. Can you describe that for me?

10 A. Yeah. This is the student attendance record  
11 for B [REDACTED] H [REDACTED].

12 Q. Could you describe for everybody present how  
13 to read that record?

14 A. Yeah. The record states the date and the  
15 period and then the absence code. So say the first  
16 one here would be 9/9/2016 is the date. The period  
17 would be say second period and the code is "U",  
18 unexcused absence. If they come in later, then there  
19 is the arrival time. If they leave in the middle of  
20 the day, it would say what time they leave.

21 Q. And does the school district keep attendance  
22 records on all of its students?

23 A. Yes.

24 Q. Is it part of the ordinary course of school  
25 business to keep attendance records on students?

DEBORAH "C" - Direct

1 A. Yes, on all students.

2 Q. As assistant principal, do you have access  
3 to these attendance records?

4 A. Yes. They're online and it's called E  
5 school.

6 Q. Was this particular record kept in the  
7 ordinary course of school business?

8 A. Yes.

9 Q. Can you take a look for me on November 22nd,  
10 tell me what, if anything, it indicates regarding  
11 Brynn Harsh's attendance in math class?

12 A. She has math class fourth period and it's  
13 listed 11/22/2016 period four is an unexcused absence.

14 MS. DEWIND: I would like to offer  
15 exhibit ten at this point in time.

16 HEARING OFFICER: Any objection to  
17 item ten becoming part of the record?

18 BRITTANY: No.

19 HEARING OFFICER: We will receive  
20 ten. Thank you.

21 Q. Ms. Caddick, do you have personal knowledge  
22 of Miss H [REDACTED] and her career at Vestal High School?

23 A. I do.

24 Q. Could you tell me are you aware of whether  
25 she was subject to a Superintendent's hearing?

DEBORAH "C" - Direct

1 A. Yes, she was.

2 Q. Could you tell us about that?

3 A. It's on her anecdotal record if I can look  
4 at that.

5 MS. DEWIND: Why don't we have  
6 that marked --

7 (WHEREUPON, exhibit eleven  
8 was marked for identification.)

9 Q. So I will show you what's been marked  
10 exhibit eleven. Can you identify that for me?

11 A. Yes. This is a copy of Brynn Harsh of her  
12 anecdotal record.

13 Q. And you keep anecdotal records on all  
14 students?

15 A. We do.

16 Q. And you have access to those as assistant  
17 principal?

18 A. Yes, I do.

19 Q. And it's part of the school's business to  
20 keep anecdotal disciplinary records?

21 A. Yes.

22 Q. And this particular record was prepared in  
23 the ordinary course of school business?

24 A. Yes.

25 Q. I think you indicated that the

-COLLOQUY-

1 to the testimony offered by Brynn Harsh  
2 today, there is a question as far as  
3 whether Miss Harsh was ever even in the  
4 class on the day in question but even  
5 if she was in the class, I find she was  
6 listening to music, was at some  
7 distance from the teacher and not in a  
8 position to testify credibly with  
9 respect to the teacher's alleged use of  
10 the word nigger. So those are the  
11 findings of the Superintendent's  
12 hearing officer.

13 With that in mind, I believe we  
14 can potentially proceed to the second  
15 phase of the hearing today. I don't  
16 know whether you're ready to present  
17 some information on that --

18 MS. DEWIND: I am ready to present  
19 information. I would like to recall  
20 Ms. Caddick.

21 HEARING OFFICER: Okay.

22 EXAMINATION BY MS. DEWIND:

23 Q. You're still under oath.

24 A. Yes.

25 Q. Ms. Caddick, I am going to show you what we

DEBORAH "C" - Direct

1 I have had marked district's exhibit eight and ask you  
2 if you can identify that document for me?

3 A. Yes. This is a copy of Vincent Spero's  
4 discipline record -- his anecdotal record.

5 Q. And once again, you keep anecdotal records  
6 on all students?

7 A. Yes..

8 Q And in particular, you as assistant  
9 principal have access to this record?

10 A. I do.

11 Q. Was a copy of this record sent home to the  
12 student?

13 A. I believe so.

14 Q. How was that done?

15 A. It goes home along with the notice of  
16 hearing charges.

17 Q. Was this particular record kept in the  
18 ordinary course of school business?

19 A. Yes.

20 MS. DEWIND: I am going to offer  
21 exhibit eight at this point in time. I  
22 think I gave you guys a copy but I may  
23 have an extra one.

24 BRITTANY: You did.

25 HEARING OFFICER: Any objection to

DEBORAH "C" - Direct

1 exhibit eight with the understanding  
2 that Ms. Caddick can be cross examined  
3 on the episodes outlined in the hearing  
4 -- in the notice -- and also the family  
5 could present information that might  
6 tend to contradict certain of the items  
7 in the record. With those  
8 understandings, any problem with  
9 exhibit eight?

10 BRITTANY: (Indicating)

11 HEARING OFFICER: We will receive  
12 exhibit eight with that understanding.

13 Q. When did Vincent first begin in the high  
14 school?

15 A. He began in his ninth grade year.

16 Q. Was that the first year you became familiar  
17 with him?

18 A. Yes.

19 Q. How would you describe Vincent's career at  
20 the high school?

21 A. Well, if you look at his anecdotal record,  
22 it's seven pages long. So that's pretty lengthy as  
23 far as an anecdotal record goes. Vincent doesn't seem  
24 to want to follow the rules or take -- accept  
25 responsibility for his behaviors. That's a pattern if